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18 FINJAN, INC.

19
20 **IN THE UNITED STATES DISTRICT COURT**
21
22 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
23
24 **SAN JOSE DIVISION**

25 FINJAN, INC.,

26 Plaintiff,

27 v.

28 SONICWALL, INC.,

Defendant.

Case No.: 5:17-cv-04467-BLF-VKD

**PLAINTIFF FINJAN, INC.'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

[RE: PLAINTIFF FINJAN, INC.'S
DECLARATION OF AARON FRANKEL IN
SUPPORT OF SUBMISSION OF
DOCUMENTS FOR *IN CAMERA* REVIEW
RELATING TO APRIL 17, 2020 JOINT
DISCOVERY LETTER BRIEF]

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 26(c), Civil Local Rules 7-11 and 79-5, Plaintiff Finjan, Inc. (“Finjan”) brings this Administrative Motion to File Documents Under Seal. The attachments to Finjan’s Declaration of Aaron Frankel in Support of Submission of Documents for *In Camera* Review Relating to April 17, 2020 Joint Discovery Letter Brief (“Declaration”) identified below contain confidential information of Plaintiff Finjan, Inc. (“Finjan”). Specifically, there exists good cause to file the following under seal:

Identification of Documents or Portions of Document to be Sealed	Portions of Document to be Sealed	Designating Party	Reasons for Sealing
Exhibit 1 to the Declaration (Finjan’s Consolidated Privilege and Redaction Log for <i>In Camera</i> Review)	Entirety	Finjan	This document contains Finjan’s highly confidential information relating to privileged and work product protected discussions with its counsel.
Exhibit 2 to the Declaration (Finjan’s Investors’ Rights Agreement)	Entirety	Finjan	This document contains Finjan’s highly confidential business information relating to its relationship with its investors, from before Finjan was a public company.
Exhibit 3 to the Declaration (Deposition of Daniel Chinn)	Entirety	Finjan	This document contains Finjan’s highly confidential business information relating to its Board operations and licensing efforts.

Identification of Documents or Portions of Document to be Sealed	Portions of Document to be Sealed	Designating Party	Reasons for Sealing
Exhibit 4 to the Declaration (Deposition of Yoav Samet)	Entirety	Finjan; Cisco Systems, Inc.	This document contains highly confidential information relating to the business relationship between Cisco Systems, Inc. and Finjan, and confidential internal Cisco correspondence. The deponent is a former employee of Cisco Systems, Inc.

The documents listed above disclose highly confidential business information relating to Finjan and to a third party, Cisco Systems, Inc. ("Cisco"). Finjan relies on Cisco's confidentiality designations for this motion.

II. ARGUMENT

Finjan seeks to seal confidential information attached to Finjan's Declaration. Mindful of the Stipulated Protective Order and also Civil Local Rule 79-5, Finjan has filed publicly the relevant excerpts of information that are not confidential. Finjan has narrowly tailored its request with this Administrative Motion, seeking to file under seal only that information that Finjan or Cisco designated as containing confidential information pursuant to the Stipulated Protective Order.

As set forth in the accompanying Declaration of Aaron Frankel in Support of Finjan's Administrative Motion to File Documents Under Seal, the attachments to Finjan's Declaration set forth above contain highly confidential business information relating to Finjan and to third party Cisco Systems, Inc. Finjan relies on Cisco's confidentiality designation. In addition, Finjan maintains as highly confidential within its business Finjan's business information, financial information, information regarding its interactions with counsel, and information about its licensing practices and Board operations. If such information were made public, it will negatively impact Finjan's business

1 practice, the bargaining positions of Finjan in future licensing negotiations with competitors and no
2 public interest will be served by requiring this information to be disclosed publicly.

3 Pursuant to Civil Local Rule 79-5(e), Finjan is filing this Administrative Motion because the
4 documents contain information that Finjan or Cisco designated as “Highly Confidential – Attorneys’
5 Eyes Only.” To comply with the Stipulated Protective Order in this case, Finjan is required to make
6 this motion. Consequently, this Administrative Motion should be granted because it is narrowly
7 tailored to cover only the document for which good cause for filing under seal exist.

8 Attached hereto are redacted and unredacted versions of the documents set forth above.

9 **III. CONCLUSION**

10 Finjan has shown good cause for this request to file the above-referenced document under seal.
11 This request is narrowly tailored to seal only information that is regarded as confidential. For these
12 reasons, Finjan respectfully requests that the Court grant its Administrative Motion to File Under Seal.

13
14 Respectfully submitted,

15 Dated: May 4, 2020

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